

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COSTEL MATEIUC,	:	
	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	No. 97-1849
	:	
H. RYAN HUTCHINSON,	:	
et al.,	:	
	:	
Defendants.	:	
	:	

MEMORANDUM

ROBERT F. KELLY, J.

JANUARY 7, 1998

Before this Court are the Motions of Defendants H. Ryan Hutchinson and Joseph Palya for Summary Judgment. This case involves claims resulting from the arrest of Plaintiff for driving under the influence and related offenses. For the reasons that follow, Defendants' Motions will be granted.

Background

On March 4, 1995, Hutchinson (then a Pennsylvania State Trooper) was monitoring traffic along the Schuylkill Expressway when an unidentified driver approached him and stated that he observed a car being driven without lights and that the driver appeared to be intoxicated. Within minutes, Hutchinson observed a 1985 Mercury Grand Marquis driven by the Plaintiff, traveling on the Expressway. Despite the fact that it was approximately 5:30 P.M. and raining, the Plaintiff was not using his headlights and his turn signal was activated for an extended period of time.

Based on his observations, Hutchinson made a traffic

stop and called Palya to assist him. While standing next to the car, Hutchinson observed a 15-gallon jug of wine in the front passenger seat. In response to Hutchinson's request for his license and registration, the Plaintiff produced the wrong registration. Hutchinson then requested that the Plaintiff step out of the car and asked him to perform three standard field sobriety tests. Believing that the Plaintiff was under the influence to a degree that made it unsafe for him to be driving, Hutchinson requested that the Plaintiff submit to a blood test.

Hutchinson transported the Plaintiff to a hospital to have blood drawn. The Plaintiff refused to sign a hospital consent form, although he claims to have orally given permission for the test. Hutchinson and Palya considered this a refusal to take the test.

Hutchinson then transported the Plaintiff to the state police barracks. Within an hour, the Plaintiff's wife arrived to drive him home. They proceeded to Bala Motor Sports where the Plaintiff's car was being held. A verbal altercation erupted between the Plaintiff and Gerald Francisco, the owner of the business and the person who towed the Plaintiff's car. The Plaintiff claimed that DeFrancisco was responsible for a crack in his front passenger-side window. As a result, Hutchinson and Palya were called to Bala Motor Sports to intervene. Palya instructed the Plaintiff to calm down and leave the premises, or he would be arrested for disorderly conduct. The Plaintiff left the premises with his car and picked up his jug of wine from the

police barracks several days later.

A criminal complaint was filed on March 8, 1995, charging the plaintiff with driving under the influence and related traffic offenses. On May 5, at a preliminary hearing, a magistrate found that a prima facie case was established for the charges. The Montgomery County District Attorney's Office filed a criminal information on July 11, 1995. On October 23, 1995, at the conclusion of a hearing on a motion to quash the information, the plaintiff completed an application for admission into the Accelerated Rehabilitative Disposition ("ARD") program. His application was approved on November 21, 1995. On September 16, 1996, the District Attorney requested and was granted a nolle prosequi in the Plaintiff's criminal case. On March 14, 1997, the Plaintiff filed his complaint in the instant action, alleging violations of 42 U.S.C. § 1983 ("Section 1983") and 42 U.S.C. § 1985(3), as well as state law claims for malicious prosecution.

Standard

Summary judgment is appropriate if "there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law." FED. R. CIV. P. 56(c). The moving party has the burden of informing the court of the basis for the motion and identifying those portions of the record that demonstrate the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). The non-moving party cannot rest on the pleading, but must go beyond the pleadings and "set forth specific facts showing that there is a

genuine issue for trial." FED. R. CIV. P. 56(e); Celotex, 477 U.S. at 324. Summary Judgment will not be granted "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). In this case, the Plaintiff, as the nonmoving party, is entitled to have all reasonable inferences drawn in his favor. J.F. Feeser, Inc. v. Serv-A-Portion, Inc., 909 F.2d 1524, 1531 (3d Cir. 1990), cert. denied, 499 U.S. 921 (1991).

Discussion

In Plaintiff's Memorandum of Law and proposed Order, he concedes his claims under 42 U.S.C. § 1985(3) and state malicious prosecution claims.¹ Thus, the only counts remaining are the Section 1983 claims against Hutchinson and Palya.

The Supreme Court has held that in Section 1983 actions, federal courts must apply the state statute of limitations governing general personal injury actions. Wilson v. Garcia, 471 U.S. 261 (1985); Owens v. Okure, 488 U.S. 235 (1989). In Knoll v. Springfield Township, 763 F.2d 584, 585 (3d Cir. 1985), the Third Circuit held that Section 1983 actions brought in Pennsylvania are subject to Pennsylvania's two-year statute of limitations for personal injury actions. See 42 Pa. C.S. § 5524. The statute of limitations begins to run when the cause of action accrues, and accrual of Section 1983 claims is governed by

¹While Plaintiff concedes his state law malicious prosecution and conspiracy to maliciously prosecute claims, he does not concede his Section 1983 malicious prosecution claims.

federal law. Long v. Board of Educ. of Philadelphia, 812 F. Supp. 525, 530 (E.D. Pa. 1993). A civil rights action accrues when the plaintiff "knew or had reason to know of the injury that constitutes the basis of [the] action." Id. (quoting Sandutch v. Muroski, 684 F.2d 252, 254 (3d Cir. 1982)).

The Plaintiff bases his Section 1983 claim on the Troopers' actions on March 4, 1995, and also on his alleged malicious prosecution. The Plaintiff claims that the Troopers' actions violated his rights to due process, equal protection of the law, and freedom of speech. These alleged violations took place beginning when Hutchinson stopped Mateiuc's car and continued until the time the Troopers threatened the Plaintiff with arrest at Bala Motor Sports. All of these actions took place on March 4, 1995. The Plaintiff did not file the complaint in this case until March 14, 1997, more than two years later. Thus, all of Plaintiff's claims arising prior to March 14, 1995 are barred by the statute of limitations.

The only claim remaining is for malicious prosecution under Section 1983. In order to state a prima facie case for a malicious prosecution claim under Section 1983, the Plaintiff must establish the elements of the common law tort. Hilferty v. Shipman, 91 F.3d 573, 579 (3d Cir. 1996). In Pennsylvania, as in most jurisdictions, a party bringing a malicious prosecution claim must demonstrate that (1) the defendants instituted a criminal proceeding, (2) without probable cause, (3) with malice, and (4) that the proceedings were terminated in favor of the

plaintiff. Strickland v. University of Scranton, 700 A.2d 979, 984 (Pa. Super. 1997).

In this case, Plaintiff contends that the District Attorney abandoned prosecution of the criminal case against him, thereby terminating the proceedings in his favor. The criminal proceedings were terminated after Plaintiff completed ARD. But a prosecutor's decision to withdraw criminal charges pursuant to a compromise with the accused is not a termination sufficiently favorable to support a malicious prosecution claim. Hilfirt, 91 F.3d at 580; Davis v. Chubb/Pacific Indem. Group, 493 F. Supp. 89, 92 (E.D. Pa. 1980). The reason for this rule is that dismissal of charges as a result of a compromise is not an indication that the accused is actually innocent of the crimes charged. Hilfirt, 91 F.3d at 580.

The Plaintiff's entry into ARD was not required; he was free to refuse it. See PA. R. CRIM. P. 183. His entry into the program was the result of a compromise with the prosecution. The prosecutor's subsequent request for a nolle prosequi was not a termination in favor of the Plaintiff sufficient to support a malicious prosecution claim. Therefore, the Plaintiff is unable to establish a common law malicious prosecution claim.

In summary, all of the Plaintiff's claims under Section 1983 are barred by the statute of limitations except the claim for malicious prosecution. Further, the Plaintiff is unable to establish the elements of common law malicious prosecution. Thus, he cannot maintain a Section 1983 malicious prosecution

claim. The Defendants' Motions for Summary Judgment will be granted.

An appropriate Order follows.

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v.	:	No. 97-1849
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H. RYAN HUTCHINSON,	:	
et al.,	:	
	:	
Defendants.	:	
_____	:	

ORDER

AND NOW, this 7th day of January, 1998, upon consideration of the Motions of Defendants H. Ryan Hutchinson and Joseph Palya for Summary Judgment, and all responses thereto, it is hereby ORDERED that:

1. the Motion is GRANTED;
2. the Clerk of Court is directed to list this case as CLOSED.

BY THE COURT:

Robert F. Kelly,	J.